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SUBJECT: PROTECTION OF CIVILIANS: SECURITY COUNCIL THEMATIC
DEBATE

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11. SUMMARY. The Security Council adopted a thematic resolution on the Protection of Civilians in Armed Conflict at a high-level open debate on November 11, with the participation of 60 member states, the Secretary-General, U/SYG Holmes and Deputy High Commissioner for Human Rights Kang. The debate covered a wide range of topics, including the need to enforce international humanitarian law and to hold violators accountable, the need for improved implementation of the protection of civilians when mandated for peacekeeping missions, better information flow among UN missions, the Secretariat, the Security Council, and troop and police contributing countries. China, Russia and Vietnam emphasized the importance of national sovereignty when addressing the protection of civilians. Several speakers used the debate to criticize Israel for its actions during the Gaza conflict, which affected the civilian population. Several TCCs/PCCs urged the Council consider more realistic mandates. Venezuela used its statement to accuse the United States of building military bases in Colombia. END SUMMARY.

12. At the beginning of the meeting, the Security Council adopted Resolution 1894, which Austrian Foreign Minister Michael Spindelegger, as Security Council president, said the resolution aimed to address existing gaps in efforts to protect civilians in armed conflict and laid out a course of action to improve the situation for civilians. He pointed out that despite ten years of Council attention to protection of civilians, there was still no common understanding of what the protection of civilians meant in the context of UN peacekeeping. He also said the Council should be prepared to use a broad range of tools at its disposal to ensure compliance by all parties to conflict with their obligations to protect civilians and ensure access to humanitarian aid.

SECRETARY-GENERAL CALLS FOR WORDS TO BE PUT INTO ACTION

13. Secretary-General (SYG) Ban Ki-moon framed the discussion of the protection of civilians in armed conflict (PoC) by saying that it directly related to the core purpose of the United Nations to save people from the horrors of armed conflict. Ban said that in the ten years since the Security Council initially addressed the protection of civilians, some major conflicts had come to an end, but there were still appalling levels of human suffering due to new conflicts, which reflected a fundamental failure of parties to respect

their obligations to protect civilians. Ban identified five core challenges for protecting civilians in armed conflict. First, he said the international community needed to strengthen compliance by parties to armed conflict with international humanitarian law (IHL). He noted that in recent resolutions on Children and Armed Conflict and Women, Peace and Security, the Security Council had developed mechanisms for reporting on violations of IHL that allowed the Security Council to address issues without needing to take "additional procedural steps" (i.e., placing an issue on the Security Council's agenda). Ban encouraged the Council to consider using similar mechanisms for the protection of civilians. Secondly, Ban said there needed to be more consistent engagement between member states and non-state armed groups in order to ensure access for humanitarian assistance and compliance by those groups with IHL. Thirdly, Ban said, UN peacekeeping missions with protection of civilians mandates needed to increase their effectiveness, and he pointed to a just-completed independent study commissioned jointly by the Office for Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO), which contained recommendations. Fourth, the SYG said that the Council needed to respond when humanitarian access was being blocked, and lastly, he said the international community needed to hold those who violate international law to account.

14. Undersecretary-General for Humanitarian Affairs John Holmes reinforced the points made by the SYG, saying that engagement with non-state armed groups was vital in order to ensure that humanitarian assistance could reach those in need. Referring to the OCHA/DPKO study, Holmes said DPKO was developing an operational concept to clarify the meaning of the protection of civilians in a peacekeeping context, and said that all missions should develop mission-wide strategies for carrying out PoC. He emphasized that PoC involves not only military protection of civilians under imminent threat,

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but also humanitarian access, the return of refugees and displaced persons, human rights monitoring, addressing sexual violence, and the protection of vulnerable groups. Holmes said there was a "gap between rhetoric and reality" in the Security Council's use of targeted sanctions to enforce accountability for violations of IHL, adding as an example that targeting of women and children had been included in the DRC sanctions resolution, but had not been included in recent Somalia sanctions.

15. Deputy High Commissioner for Human Rights Kyung-wha Kang urged the Council to mobilize a "higher level of political will" in order to "prevent atrocities, protect the vulnerable, hold perpetrators accountable and ensure redress for victims." Ms. Kang said the Security Council would need to find "creative solutions" to the political obstacles that sometimes keep critical situations off of the council's agenda. Kang cited four situations where she believed political factors had stood in the way of rigorous enforcement of the law. First, she referred to "violations of international and humanitarian law", which, she said, had been perpetrated by Israeli forces against the civilian population during the Gaza conflict and documented by the UN Fact-Finding Mission led by Judge Richard Goldstone. She also mentioned "indiscriminate" launching of rockets and mortars into southern Israel by Palestinian armed groups, "in disregard of international humanitarian and human rights norms." Referring to the Israeli blockade and military offensive, Kang said that, "until meaningful steps" had been taken "to end impunity for these violations," peace and security would remain elusive for the people of the region. The Deputy High Commissioner also cited events in DRC, Darfur and Afghanistan to illustrate a "gap" that remained "between policy and practice, saying that in the DRC and Darfur, high level human rights violators, including ICC indictees, continued to occupy high level positions. She also recalled that the UN-AU Hybrid Mission in Darfur (UNAMID) did not have

the resources to fully deploy and carry out its protection of civilians mandate, and that civilian casualties continued to mount in Afghanistan.

ACCESS, INFORMATION, ACCOUNTABILITY, PEACEKEEPING

¶6. Most Security Council members in their national statements focused on four key areas addressed by Resolution 1894, which the Council adopted at the beginning of the session: access for humanitarian assistance, better and more timely information flow between UN missions and the Security Council on protection of civilians issues, the need to improve implementation of protection of civilians in peacekeeping, and the need to address accountability for violations of IHL.

¶7. Croatian Foreign Minister Jandrokovic called for the Council to respond in situations where humanitarian assistance is being deliberately obstructed. He recalled the concept of the "responsibility to protect" from the 2005 World Summit Outcome Document, and said the Security Council had the responsibility to protect populations if and when national authorities failed to do so. Baroness Ann Taylor of the United Kingdom said that the Council needed to show genuine readiness to act in order to prevent conflicts from growing, and in this respect she called for better information from the field in the early stages of conflicts. She also called for comprehensive guidance on implementation of protection of civilians in peacekeeping missions, and more training for mission personnel. Costa Rican Vice-Minister for Foreign Affairs Edgar Alvarez said that the Security Council needed to use all available resources, including sanctions and the International Criminal Court, to ensure accountability for violations of IHL. He added that obligations to protect civilians apply in all situations, and that states should be held to the same standards throughout the world, regardless of political considerations.

¶8. French Permrep Araud said that the protection of civilians in peacekeeping operations needed to include a broad range of activities that should involve integrated strategic planning beyond the military task of protecting civilians under imminent threat. He pointed out that the mandate for the UN Mission in the DRC (MONUC) would be up for renewal soon, and said the Council needed to "find the resolve" to use the principles of Resolution 1894 to strengthen MONUC's

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protection of civilians mandate. Araud called for sanctions against serious violators of IHL, and referrals to the International Criminal Court (ICC) in situations where national governments failed to act. Japanese Permrep Takasu also underlined the need for peacekeeping missions to make protection of civilians a mission-wide task that involved more than just protecting civilians under imminent threat. Mexico Permrep Heller said that human dignity needed to trump national sovereignty and called for referrals to the ICC when national governments failed to act. He urged states that had not already done so to accede to relevant instruments of IHL and international human rights law.

¶9. Ambassador DiCarlo said U.S. forces were committed to comply with their obligations under IHL, even when confronted by enemies that routinely violated those laws. She urged that those who flouted IHL be held accountable, and said the Security Council should use all of the means available to it, including targeted sanctions. DiCarlo said that accountability for impunity was an important aspect of national reconciliation, which also included supporting countries emerging from conflict to rebuild infrastructure and capacity. When implementing peacekeeping mandates, DiCarlo called for the UN to develop mission-wide strategies, in consultation with the Security Council and troop and police contributors, for the protection of civilians, and said training and equipment were also key.

¶10. Uganda Minister-Counselor Lukwiya said that the proliferation of non-state armed groups made contemporary conflicts more dangerous for civilians. He said civilians were often unaware of their rights under IHL, and there needed to be better dissemination of information. He called on the international community to assist states emerging from armed conflict to rebuild national institutions, including reforming the security sector, and to assist in removing unexploded ordinance. He also called upon states to consider instituting financial assistance programs for victims of lawful warfare as a way to make amends. Lukwiya noted that the African Union had recently adopted a Convention for the Protection and Assistance of IDPs in Africa, and also urged that HIV training be part of pre-deployment training for peacekeepers and mission staff. Burkina Faso Permrep Kafando also called for better institution building and development in areas recovering from armed conflict, and said that there needed to be dialogue with non-state armed groups to increase their awareness of IHL.

PREVENTION, NATIONAL RESPONSIBILITY

¶11. Russia, China, and Vietnam, while acknowledging the need to improve the implementation of protection of civilians tasks in peacekeeping missions, emphasized the importance of respecting national sovereignty when responding to conflicts and humanitarian concerns. Russian Permrep Churkin said the role of the Security Council should be to assist national efforts. He called for close consultations among the Security Council, Secretariat and Troop Contributing Countries when operationalizing protection of civilians mandates, saying that the issue needed "detailed analysis." He also said peacekeeping missions should be deployed when there is a peace to keep, and that disarmament and demobilization also played a role in ensuring the safety of civilians. Chinese Permrep Zhang Yesui said that the primary responsibility for protecting civilians lay with states, and added that cooperation with non-state armed groups should take place with the cooperation of the governments involved. He said that peacekeeping missions should be mandated to protect civilians "on a case by case basis," and only when it is feasible and necessary. He said that more attention should be paid to prevention of armed conflict and in assisting with economic development. Vietnam's Permrep Le Luong Minh said that the international community could play a valuable role in supporting member states in armed conflict through political mediation and humanitarian assistance, but it was the primary role of states to protect their people.

¶12. Turkish Permrep Apakan urged caution when dealing with non-state armed groups, due to the potential for such groups to exploit humanitarian workers for their own advantage. Referring to the Gaza conflict, Apakan said all parties to conflict needed to respect their obligations under international law. However, he also said it was the right of

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every state to combat terrorists, and it is important to make clear that the terrorists themselves are the ones putting civilians in danger. Apakan believed Resolution 1894 struck a good balance between all of the sensitive issues involved in the protection of civilians.

GAZA AND THE GOLDSTONE REPORT

¶13. Libyan Ambassador Dabbashi focused the bulk of his remarks on the Report of the UN Fact Finding Mission led by Judge Richard Goldstone, and called for the Security Council to take action on its findings, as the General Assembly had recently called for. Dabbashi said that in the Gaza conflict, Palestinians had been "wantonly targeted," "denied humanitarian assistance," "denied entry and exit," and that the Israeli army had used "internationally proscribed weapons" and did not distinguish between civilian and military targets. Dabbashi hoped the Council would act despite the support for Israel by "certain Council members,"

which he said had damaged the Council's credibility. He accused such countries of taking a moral high ground when they "preached" in the Council, but of then doing nothing to stop Israeli actions. (Note: Ambassador DiCarlo, speaking directly after Dabbashi, thanked the Austrian presidency for hosting a debate on the protection of civilians, but said she regretted that some participants had used the meeting to pursue different objectives.)

¶14. Several other speakers, including Egypt (speaking on behalf of the Non-Aligned Movement), United Arab Emirates, Saudi Arabia, Qatar, the Palestinian Representative, Syria and Iran also used their remarks to criticize Israel (and the United States) for actions in the Gaza conflict. Egypt called for the General Assembly to have greater involvement in the protection of civilians so that it could "investigate" violations "without discrimination." Qatar made special reference to what it called, "denial of education" and "targeting of civilians by a regular army." The Palestinian Representative called the Gaza conflict a "collective punishment of harassment, intimidation and terrorism against a defenseless Palestinian people." The Iranian Representative asked why "some states" with veto power wanted the "aggressor" to be above the law.

¶15. Israeli Permrep Gabriela Shalev said that extraordinary efforts had been taken during the Gaza conflict to protect civilians, and pointed to a report produced by the Government of Israel, which detailed efforts to warn civilians through telephone calls and dropping leaflets asking civilians to avoid areas where Hamas militants were operating. Shalev said that the debate could not ignore the reality that armed groups used civilians to shield themselves when storing weapons, launching attacks and building military infrastructure in major population centers.

AFGHANISTAN, IRAQ

¶16. The Iranian Representative also referred to what he called "indiscriminate targeting of civilians" during Afghanistan air strikes, and underlined that the General Assembly had taken note of the situation in Afghanistan in its resolution on the Goldstone report. The Afghanistan Permrep also took note of rising civilian casualties in his country, but said the majority of civilian deaths were the result of the Taleban and al-Qaeda. He added that 23 percent of civilian deaths in the war had been the result of air strikes by the international community. He urged international partners to keep in mind that the lives of civilians were of concern not only for humanitarian and moral reasons, but because the Taleban would exploit civilian deaths for political reasons as well.

TROOP AND POLICE CONTRIBUTING COUNTRIES

¶17. Several large troop and police contributing countries, including Ghana, Uruguay, India, Egypt and Italy highlighted the need for realistic mandates in order to more closely align the Security Council's expectations with realities on the ground. Most mentioned the need for adequate resources, including appropriate logistical support and training prior to deployment. Brazil said the Council should not mandate protection of civilians if resources were unlikely to be made available to carry out the mandate, but also that budgetary

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considerations should not be placed above moral imperatives. Uruguay called for guidelines to be developed in consultation with TCCs/PCCs for carrying out protection mandates, and said that training, resources and political commitment were needed as well. Uruguay also said economic and social development needed to be part of efforts to disarm, demobilize and reintegrate ex-combatants. Ghana called for closer cooperation with the African Union in carrying out PoC mandates, and called for increased material and logistical support for the African Standby force. Guatemala expressed

the desire for an operational framework with clear rules of engagement.

¶18. Indian Member of Parliament Dhruva Narayana Rangaswamy said the Security Council was at fault for the inability of the UN to translate its intent to protect civilians into operational reality, because it had not defined the extent of the problem, had not given clear directions to DPKO, and had not taken into account the experience of TCCs. Rangaswamy said the issue of accountability, which had been discussed in the context of perpetrators, should also extend to the Security Council, which mandates protection of civilians in some contexts, but not in others, and sometimes issues "unachievable" mandates for "political expediency."

¶19. Tanzania's Permrep Augustine Mahiga, who chaired the OCHA-DPKO study, noted significant gaps in the language of various peacekeeping mandates and in troop training, owing to the lack of an operational concept for the protection of civilians for UN missions. Mahiga said that physical protection language in peacekeeping mandates was confusing to personnel in the field, as well as the Secretariat, but that such language simultaneously raised expectations among the civilian population. He called for a holistic approach to implementing protection of civilians in peacekeeping, which ensures access by civilians to humanitarian resources and the protection of basic human rights, especially against gender-based violence. Canada, which chairs the GA Special Committee on Peacekeeping Operations, called for better planning to clearly identify protection challenges, appropriate resources to ensure effective mandate implementation, systematic training of personnel by member states and enhanced accountability for civilian components of peacekeeping operations.

EUROPEANS FOCUS ON ACCOUNTABILITY, ACCESS

¶20. European members discussed the importance of access to conflict areas for humanitarian assistance, improvements in mission mandates, and the need to fight impunity. Sweden, speaking on behalf of the EU, said that the Council should systematically promote compliance with IHL in situations on its agenda, and in situations not formally on the agenda. He called for targeted measures against parties to armed conflict who were in violation of IHL and encouraged states that had not already done so to ratify the Rome Statutes and fully cooperate with the ICC. Germany heralded the new UN gender entity as a step in the right direction, stating that peacekeeping operations were not solely military tasks. Germany also encouraged the use of sanctions and judicial mechanisms to fight impunity.

VENEZUELA ATTACKS THE U.S.

¶21. Venezuelan Permrep Jorge Valero used the debate to accuse the United States of installing military bases in Colombia, which he said, threatened peace and security in the region. At the end of the debate, USUN Minister-Counselor used a right of reply to regret that Venezuela had used the debate on an important matter such as the protection of civilians to focus on irrelevant and extraneous issues.

Wolff